IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

NO. 5:13-CT-3133-FL

JOSHUA GLENN MCRAVION,)
)
Plaintiff,)
)
V.) ORDER
)
GEORGE SOLOMON, MICHAEL A.)
MUMMS, MORRIS REID, TONIA)
ROGERS-DIXON, and IRVIN RYAN, JR.,)
)
Defendants.)

Plaintiff, a state inmate, filed this action pursuant to 42 U.S.C. § 1983. Also before the court are plaintiff's motion for summary judgment (DE 6) and motion for scheduling the case for trial (DE 9). These matters are ripe for adjudication.

Section 1915 provides that courts shall review complaints in which prisoners seek relief from a governmental entity or officer and dismiss such complaints when they are "frivolous." 28 U.S.C. § 1915(e)(2)(B)(i). The court finds that plaintiff's action is not clearly frivolous, and ALLOWS him to proceed.

The court next turns to plaintiff's motion for summary judgment and motion for scheduling the case for trial. At this point in the proceedings, defendants have not yet been served with a copy of the summons and complaint. Accordingly, plaintiff's motions are DENIED as premature.

In sum, plaintiff's action is ALLOWED to proceed. Plaintiff's motion for summary judgment (DE 6) and motion for scheduling the case for trial (DE 9) are DENIED as premature. Defendants shall have sixty (60) days from service of the complaint to file their answer, and the court DIRECTS the Clerk of Court to serve a copy of this order together with the complaint and summons on each defendant. The court DIRECTS the United States Marshal Service to make service pursuant to 28 U.S.C. § 1915(d).

SO ORDERED, this the 16th day of December, 2013.

LOUISE W. FLANAGAN United States District Judge

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